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LEWIS & CLARK COUNTY SHERIFF
CITY OF HELENA POLICE DEPT.
EAST HELENA POLICE DEPT.

A REPORT OF THE

INTERLOCAL COOPERATION AGREEMENT COMMISSION

OF THE

COUNTY OF LEWIS AND CLARK

AND THE

CITIES OF HELENA AND EAST HELENA

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LAW ENFORCEMENT IN LEWIS AND CLARK COUNTY

FUNCTIONS AND FACILITIES

A REPORT OF THE
INTERLOCAL COOPERATION AGREEMENT COMMISSION

JUNE 14, 1973

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ACKNOWLEDGEMENT

Without the cooperation of Lewis and Clark County Sheriff, Dave Middlemas, and Helena Police Chief, Jack Williams, this report would not have been possible.

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SECTION I

INTRODUCTION

SUMMARY OF CONCLUSIONS

AND

RECOMMENDATIONS

The Interlocal Cooperation Agreement Commission (ICC) is a nonpaid Board of concerned area citizens appointed by the local governing bodies in our area to study our area problems and determine ways to improve public services and at the same time investigate means of saving money by avoiding any unnecessary duplication of services.

At the request of the City and County Commissioners, the Interlocal Commission has undertaken a study of ways to increase cooperation and coordination between the Sheriff and Police Departments and if feasible and desirable actual consolidation of the two departments.

For the purposes of this initial report it was decided to eliminate a study of the internal operations of the individual departments and, instead, limit the investigation to a study of the auxiliary functions such as detention and office facilities, record keeping and communication.

The Law Enforcement Committee* consisting of a Montana Power executive, a rancher, an architect, and an engineer does not claim to have any professional expertise in the field of law enforcement, but through a nine month period of study and evaluation has come up with a series of recommendations that we hope will be of value to the Sheriff, the Police Chief, and the City and County Commissioners. It should be clearly understood that by law, the ICC is a fact finding body with the power only to make recommendation - implementation will only be possible if the County and the City agree to work together to implement any of the recommendations accepted. The value of the ICC to the residents of this area is solely dependent upon the commitment of the governments involved.

The following is a summary of the conclusions and recommendations contained in this report:

Conclusions

1. The existing facilities of both Sheriff and Police Departments are inadequate in size and design to meet even the most basic requirements of a modern detention and public safety building.
2. It is not economically feasible to remodel either facility for long term use.
3. It is probable that consolidation of all or part of the facilities and functions of the Sheriff and Police Departments would improve the efficiency and effectiveness of both departments.
4. It is doubtful, however, that such a consolidation would reduce the cost of law enforcement, though there would be a long range economic savings by reducing duplication of services, capital equipment, and facilities.
5. Long range decisions concerning the desirability of full consolidation and the size and design of a possible new facility will require further study and increased communication and planning between the departments.

* Law Enforcement Committee: Earl Conver, Chairman, Don Burnham, Jim Brown, Martin Drivdahl

LAW ENFORCEMENT

Functions and Facilities

In the United States the criminal justice system is a complex combination of Federal, State, County and local governmental control. The differentiation of responsibilities and authority of the various levels of police powers have developed more from tradition than any coordinated plan of organization.

Although we are all aware of the general responsibilities of our local Law Enforcement Agencies, the ICC felt it was still important to clearly identify our existing functions and facilities before considering any possible revisions.

CITY OF HELENA POLICE DEPARTMENT

DUTIES

The primary purpose of a police department is the preservation of peace and protection of life and property against attacks by criminals and injury by the careless and inadvertent offenders. In addition, police departments are charged with the enforcement of a wide variety of local ordinances ranging from local traffic control to regulations designed to safeguard the morals of the community. More recently a wide range of social services have also been added to policemen's responsibilities - juvenile control, family relations and alcohol, drug and mental disturbances.

Police service today extends beyond mere routine investigation and disposition of complaints; it also has as its objective the welfare of the individual and the prevention of crime as well as the apprehension of the criminal.

Nor does the responsibility of the police department end with the apprehension of criminals or suspects; the police department is also responsible for the safe incarceration of the prisoner until such time as he can be arraigned before the appropriate court of law and when sentenced to a jail term.

PERSONNEL

The City of Helena has thirty-three full-time police department employees: twenty-six officers and patrolmen, four radio dispatchers, three secretaries and one meter maid.

Police Commission:

Three man nonpaid board appointed for three year staggered terms by the Mayor with the concurrence of the City Commission. It is the responsibility of the Police Commission to act as a personnel board to interview and test prospective police officers and to act as an appeal body for disciplinary and personnel matters. Once an officer has served a six month probation period he cannot be permanently dismissed without the approval of the Police Commission. The State Legislature created police commissions in order to remove law enforcement from the control of partisan political influences, and to protect the policemen's jobs when they are forced to do things in the line of duty that may be unpopular with influential citizens or even the general public.

According to State Statute, the Police Commission "is not only for advisory purposes but also a body of considerable importance whose finds should have weight." As a practical matter, however, most of their duties are perfunctory and routine.

Chief of Police:

Appointed by the City Manager with the approval of a majority of the City Commission, the Police Chief serves for a period of "good behavior." The Chief is responsible for the internal management and discipline within the department. In addition to his administrative duties he is the Chief Law Enforcement Officer in the City and can at his discretion directly supervise criminal investigation or any other related law enforcement duty that he considers worthy of his personal attention. At the same time the Chief of Police, like all department heads, is responsible directly to the City Manager. The Police Chief's usual working hours are 8:00-5:00 weekdays, but he and all of his officers are on call twenty-four hours a day. At his home he has a police radio constantly on so that he is immediately available in case of an emergency.

Assistant Chief of Police:

Is responsible for the department's record keeping system which consists of Complaint Records, Arrest and Identification Records, and Officer's Shift Reports. He is also the Identification Officer, which means he is responsible for all booking of prisoners including fingerprinting and photography. As Identification Officer he is responsible for the Crime Lab which consists primarily of a small darkroom where he develops photographs of scenes of crimes, accidents, and latent fingerprints, makes casts of footprints, etc. When more complex scientific analysis is necessary he sends the evidence to professional crime laboratories at the universities, the FBI, or elsewhere. As Assistant Chief of Police he is responsible for prisoners and the supervision of the other officers while on duty. His usual working hours are 8:00-5:00 weekdays and almost all of his time is spent in the office.

Captains:

There are two captains who are assigned to specialized areas.

Juvenile Officer - Responsible for (1) the suppression and prevention of delinquent and criminal behavior by youths (i.e. person under eighteen years of age), (2) processing of youth arrests, (3) preparation and presentation of court cases, (4) adjustment of cases and coordination with District Court Youth Probation Officers and Juvenile Public Defender, (5) provision of intelligence relating to youthful type offenses (i.e. drug related cases), and (6) maintenance of separate juvenile police records.

Criminal Investigator - Responsible for the main detective work of the department including homicide, burglary, robbery, etc. Duties include follow-up investigation of all crimes that occur within the City. His duties include interviewing victims, witnesses and suspects, drawing up complaints, gathering evidence and preparing court presentations. Usual working hours are 8:00-5:00 weekdays.

Sergeants:

Officer in Charge of Shift - Responsible for the supervision of two to eight patrolmen on a shift depending upon time of day, the day of the week, etc. Dispatches all patrol cars on their calls, and makes sure each patrolman prepares the required reports at the end of his shift. Responsible for the prisoners in the jail during his shift. Trains new men in the department. Four Sergeants work eight hour rotating shifts seven days a week.

Burglary Prevention Officer - Special assignment working with the Business Community to lower the burglary rate through education and adequate security. Also follow-up investigation on burglaries. Usual hours 8:00-5:00 weekdays.

Patrolmen:

Seventy percent of time spent on routine patrol preventing crime and traffic control, 10% accident calls, 5% burglary or other crime calls, 15% report writing. Eighteen officers, eight hour rotating shifts, seven days a week.

Dispatcher:

(1) Operating the telephone switchboard including the transfer of calls to other officers, receipt and recording of routine calls, (2) receiving complaints by telephone or in person at the desk or counter and recording them on incident report forms, (3) dispatching officers by radio or telephone with attendant duties of maintaining a radio log, (4) monitoring fire and burglar alarms, (5) operation of the TBX system which connects all law enforcement agencies around the County providing and requesting information on: (a) wanted persons, (b) person's criminal history information, (c) stolen vehicles or property, (6) general office filing and typing during slack periods. Three dispatchers work on regular eight hour shifts with a fourth relief dispatcher rotating as required.

Secretarial Staff:

Police Chief's Secretary - General secretarial duties responsible directly to the Chief. Also handles food budget for prisoners.

Clerk-Typist - General office duties and filing - maintenance of traffic records and collection of fines. 8:00-5:00 weekdays.

Police Judge's Secretary - Assigned to Police Department for maintenance of traffic records and collection of fines. 8:00-5:00 weekdays.

I.D. Secretary - Secretary for Assistant Police Chief responsible for filing all police records except traffic. 8:00-5:00 weekdays.

Meter Maid:

Seventy percent ticketing for parking violations, 20% relief for office personnel, 10% running errands for department. 8:00-5:00 weekdays.

Animal Control Officers:

Care of dogs at pound, disposal of dead animals, patrol of City for animals at large without licenses, etc. Two officers on staggered changing shifts.

Traffic Equipment Maintenance:

Repair of meters and painting of signs and stripes for parking areas. Three men working 8:00-5:00 weekdays.

Training:

The State of Montana with the help of Federal funds operates the Law Enforcement Training Academy at the University of Montana in Bozeman. The Academy offers a wide range of classes in all areas of law enforcement. The course lasts from seven days to a month in duration depending upon the course of study. All expenses except travel are paid by the State for officers representing recognized law enforcement agencies.

Salaries:

Minimum salaries for police officers are set by the State Legislature beginning with a base pay scale of \$600.00* per month for probationary periods. The salary ranges thereafter work upward with experience, rank, years of service and size of community. Officers also have a separate retirement program based on a minimum of twenty years of service.

The wages of all other Police Department employees are set according to City personnel policy.

*The State Legislature approved the \$600.00 base in the last session effective July 1, 1973.

FACILITIES

The City of Helena Police Department is located in the Civic Center, the old Shrine Temple, built in 1931 and converted to City use in 1940.

Office Space:

Police department personnel are located on three separate floors in the Civic Center. The jail, dispatch and booking area, police records, locker room, crime photo lab, Assistant Chief, I.D. Secretary, and patrolmen's desk space are all located in the basement. The Chief of Police, secretarial staff, and traffic records are on the main floor. The Juvenile Officer, Investigating Captain, and Burglary Sergeant have office space on the third floor.

During normal 8:00-5:00 working hours, the Helena Police Department has twelve employees requiring desk space working at the same time. In addition to the office personnel there are thirty-two lineal feet of active police records which literally use up every square foot of available wall space in all areas of the department. The dispatch and booking area is particularly crowded because of all the various equipment - radio communication, burglary, fire, civil defense alarm board, telephone switchboard, teletype, crime lab dark-room, mugging camera and breath analyzer.

Detention Facilities:

The City of Helena Jail has space for eleven inmates - ten adult males in a common bullpen and one separate isolation cell that can be used for either high security risk prisoners or juvenile and female prisoners. As a general rule, juveniles and females are not held in the City Jail but transferred directly to the County Jail where the facilities are better for the segregation of juveniles and female prisoners.

According to a December 1971 report of the Governor's Crime Control Commission, the physical condition of jail is listed as "fair." Since that time, through the assistance of Federal LEAA* funds, new plumbing - showers and toilets - have been installed in both cell areas. Since the average number of prisoners jailed at one time is only 3.7, the jail's capacity is more than three times that necessary to accommodate the average prisoner load.

The Helena Police Department does not have a jailer as such, but during normal business hours the Assistant Chief of Police is in charge of the jail. In the afternoons and evenings the Sergeant in charge of the shift is responsible for the jail, but since he is often out on patrol, the dispatcher is frequently left alone in the jail. The basement entrance to the jail does have a security entrance with automatically locking door and intercom system.

Next to custody, the feeding program of any jail is considered to be the most important part of its operation if humane and decent standards are to be maintained. The City has its meals catered by a local restaurant for a cost of \$.90 a meal. Prisoners are fed two meals a day - trustees get three meals. One of the patrolmen on duty picks up and delivers the catered meals.

*Law Enforcement Assistance Administration.

Of the 1579 arrests made by the City of Helena Police Department in 1972, 749 or 48% of those arrested were actually jailed.

The City of Helena Jail serves four functions:

Percent

- 50% 1. To detain prisoners for the period of time between their arrest and appearance before the Police Judge where they are fined or sentenced for violation of City of Helena Ordinances. Typical in this category would be arrests for drunken driving or disturbing the peace, and the period of confinement is usually overnight or until bail can be arranged.
- 20% 2. To detain prisoners until they are booked and transferred to the custody of the Sheriff for arraignment before the Justice of the Peace or the District Court. This category is for prisoners charged with violation of State Law, typically felonies like burglary, assault, auto theft, forgery, drug violations, etc. The period of confinement in the City Jail is usually overnight.
- 25% 3. To detain prisoners who have been sentenced to serve a jail sentence by the Police Judge for a misdemeanor conviction. The period of confinement for such a sentence averages 3.5 days. Trustees or low security risk prisoners who are used for maintenance around the jail while serving their sentences average seven days of confinement.
- 5% 4. To detain prisoners who are wanted by another law enforcement agency until such time as arrangements can be made for their transfer.

CITY OF EAST HELENA POLICE DEPARTMENT

DUTIES

Same as the City of Helena Police Department plus enforcement of City of East Helena Ordinances. East Helena has its own Police Judge for local offenses.

PERSONNEL

Chief of Police:

Appointed by the Mayor of East Helena with the concurrence of the City Council. Once appointed he serves a term during good behavior. Since it is only a two man department, he is both administrator and regular patrolman.

Patrolman:

Works a staggered shift with the Chief of Police. Their hours depend upon the time of year, day of week, and the special events that may be taking place.

Relief Officer:

When the Chief and regular patrolman are on vacation, attending a training school, etc., the retired East Helena Police Chief acts as a replacement officer.

Sheriff's Deputy:

During the graveyard or late evening shift one of the Lewis and Clark County Sheriff's Deputies is assigned to regular duty in the East Helena area. At his discretion, and depending upon calls to other areas, the Deputy patrols within the East Helena City limits. This is particularly true on weekends when nighttime activity in the East Helena area is greater. Apparently there is not a formal agreement between East Helena and the Sheriff's Department, but this is a practice that has developed through the years.

Training:

Same as City of Helena.

Salaries:

Same as City of Helena.

FACILITIES

The East Helena Police Department is located in the City Hall. Although there is a small detention cell, because there is no one on duty at night, it is never used. All persons arrested by the East Helena Police Department that must be jailed are booked directly into the Lewis and Clark County Jail. In 1972, twelve such prisoners were committed by the East Helena Police

LEWIS AND CLARK COUNTY SHERIFF

DUTIES

According to State Law, the Sheriff is the Chief Law Enforcement Official in the County. Although the Sheriff has legal jurisdiction within all incorporated cities, law enforcement duties within the cities are handled by the local police departments. With the exception of the enforcement of local ordinances, the Sheriff's Department has all of the same duties that a police department has, except that the enforcement of traffic laws within the County are generally the responsibility of the State Highway Patrol.

In addition to the usual peace keeping duties, the Sheriff's Department also has a wide range of responsibilities in the following areas.

1. The Sheriff is required by law to serve all legal papers for State, County, and local officials. This could include anything from an eviction notice to a court subpoena or divorce decree.
2. The Sheriff is required to call jurors to duty in the District Court - more than 600 a year in Lewis and Clark County.
3. Sheriff's Deputy serves as bailiff when the District Court is in session. It is the responsibility of the bailiff to maintain order in the court-room and to supervise the jury until such time as they bring in a verdict.
4. The Sheriff is to perform the duties of a humane officer within his County with reference to the protection of dumb animals. Although all Sheriffs do not take this responsibility seriously, in Lewis and Clark County the Sheriff started the Lewis and Clark County Humane Society and has served as its President for years.
5. Livestock Brand Inspection
6. Answers fire calls within the County with the Lewis and Clark County Volunteer Rescue Association Fire Truck. Supplies primary fire protection in those areas without rural fire departments and acts as a back-up fire unit elsewhere.
7. Organizes emergency search and rescue when required.
8. In Lewis and Clark County the Sheriff also serves as coroner whose duty it is to investigate and certify the cause of all deaths by unnatural causes and to maintain pertinent records.

PERSONNEL

The Lewis and Clark County Sheriff's Department has a staff of eighteen officers and one dispatcher.

Sheriff:

The Sheriff is a County elected official serving a four year term of office. He is responsible for the enforcement of all the duties assigned to his department. Thirty percent of his time is spent in administration and public service, 20% on personnel problems and juvenile cases, 20% on criminal investigation, 10% on accident investigation, and 10% coroner. Usual working hours are 8:00-5:00 weekdays, but the Sheriff and all deputies are on call at all hours.

Under Sheriff:

Fifty percent of his time is spent on booking and accounting for civil process work, 10% distribution of mail, 5% posting daily prisoner reports and civil court process. Balance of time spent assisting regular deputies with their duties. Usual hours 8:00-5:00 weekdays.

Deputy Sheriffs:

Deputy Sheriff for Civil Affairs - Ninety percent of time spent serving civil papers, 10% criminal investigation and transportation of prisoners. Hours 8:00-5:00 weekdays.

Deputy Sheriff-Dispatcher-Jailer - In addition to all of the usual dispatch duties outlined in the Police Department description, the Office Deputy is also the jailer, and since the primary purpose of the jail is to provide safe custody, all other jail duties must be performed in a manner to minimize opportunity for escape or injury to the prisoner. Specific duties include the following:

1. The search and control of prisoners.
2. The booking of prisoners
3. Arrangement for each prisoner to make a local telephone call to his attorney, relative, etc., and to maintain a log showing date and time of call.
4. Fingerprinting and photography of prisoners.
5. The custody and return of personal property.
6. Arrangement for authorized visitors and the supervision of such visits.
7. Accounting for, inspecting, and supervising jail facilities and inmates to insure security, good order, comfort, welfare, and cleanliness.

8. Transfer of prisoners to court or other jail or institution.

Deputy Sheriffs, Augusta and Lincoln - Because of the size of the County, permanent deputies are assigned to these two areas to perform all duties as required. Augusta and Lincoln also have their own jails and office space.

Deputy Sheriff, General - Routine patrol within the County, crime prevention and investigation, operate fire truck as required, rotate duty as bailiff when court is in session. Relief office help and jailer as required. (Seven deputies on set eight hour shifts, seven days a week - no rotation.)

Dispatcher:

Daytime female dispatcher works 8:00-5:00 weekdays relieving office deputy for other duties. Paid through Federal Emergency Employment Act Fund.

Secretarial Help:

None. All deputies, including the Sheriff, do their own typing and filing.

Cook:

Prepares all prisoner's meals, does the grocery shopping and dishes. Hours 8:00-9:30 a.m. and 2:00-4:30 p.m. weekdays. Responsible directly to the County Commissioners. Not considered a Sheriff's Department employee.

Training:

Sheriff's Deputies attend the same classes as police officers at the Law Enforcement Training Academy.

Salaries:

The salaries for sheriff's departments are also controlled by the State Legislature but under entirely different laws. The Sheriff's salary, like other elected officials, is based on the taxable valuation in the County and cannot be raised during his four year term of office. The Under Sheriff's salary is 95% of the Sheriff's, and the Deputy's salary is 90% of the Sheriff's salary. No distinction is made for years of service or responsibilities; therefore, the newest Deputy makes exactly the same salary as the Deputy who has worked for the Sheriff for twenty years. Because of the set percentage system, Deputies' salaries are also frozen for the four year term of office.

FACILITIES

The Lewis and Clark County Jail, located on the corner of Breckenridge and Ewing across from the County Courthouse, was built in 1891. Though solidly constructed, like most old buildings it is in poor condition and badly in need of major repairs including a new roof and complete rewiring.

Office Space:

Although the Sheriff's Department has only six employees requiring desk space during normal business hours, they are nonetheless hampered for adequate office space because the building is so poorly designed. The problem here is not so much lack of space as it is the inefficient design of the present space that makes a workable office arrangement almost impossible. For example, to get to the kitchen, you must walk through the Sheriff's office; and to get from the Sheriff's office to the front desk, you must walk right through the only other two offices.

Like the Police Department, the Sheriff's office has too much equipment crowded into a very small area. When the teletype is running it is difficult to hear the calls coming in on the radio or to answer the telephone.

Detention Facilities:

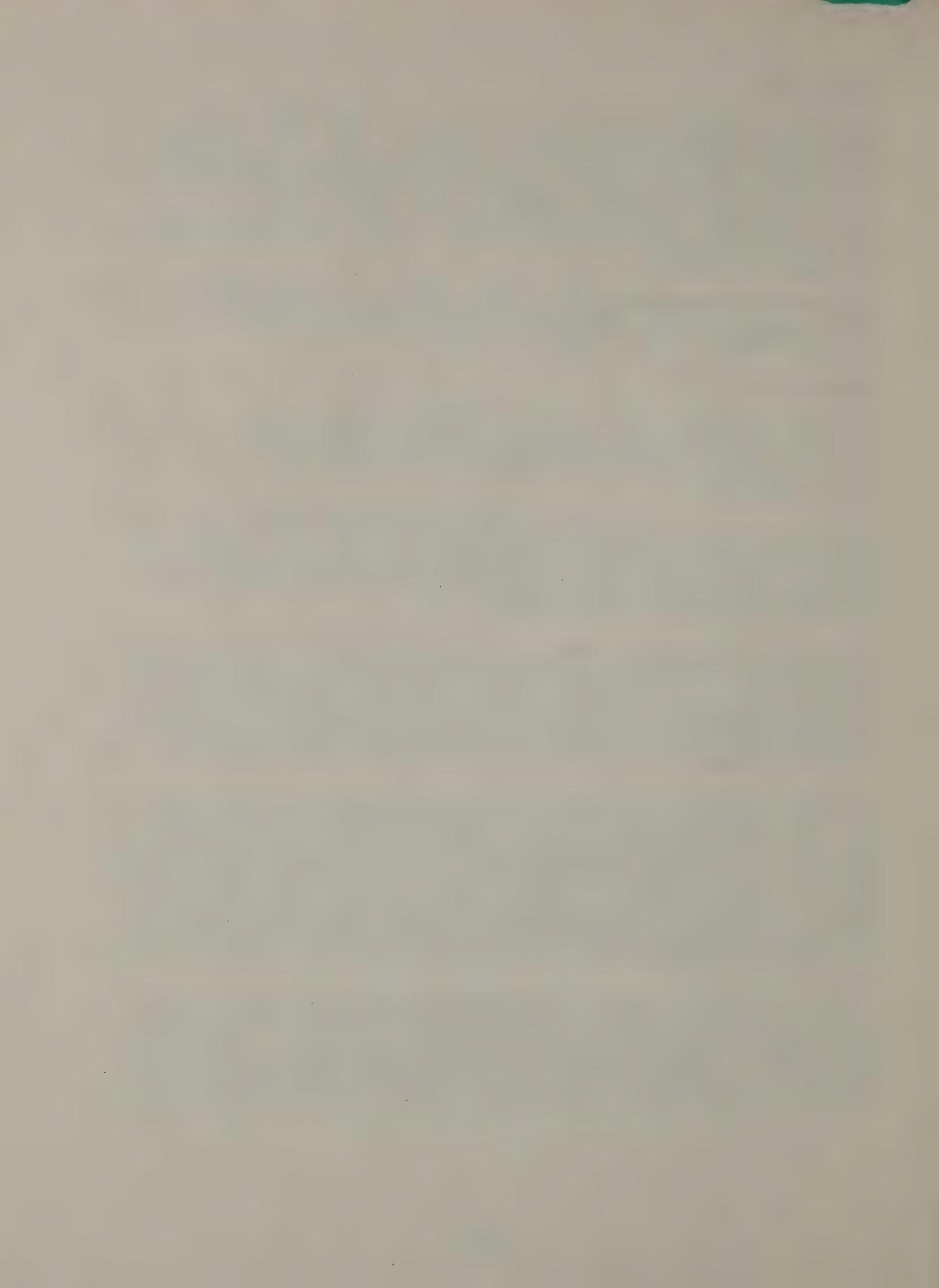
The Lewis and Clark County Jail has a capacity for thirty-eight inmates - thirty individual cells for adult males with a common central bullpen area, two 4-bed cells for juveniles and female prisoners in segregated areas on the second floor of the jail.

The size of the Lewis and Clark County Jail facility is obviously more than adequate, but it is impossible for the Sheriff to fulfill modern day requirements for humane treatment and rehabilitation of prisoners in a facility designed as a 19th century penal institution suitable only for the punishment and safe incarceration of law offenders.

According to the December 1971 report of the Governor's Crime Control Commission, the physical condition of the jail is listed as "poor." Since that time, again with LEAA funds, new plumbing - showers and toilets - have been installed, and at County expense, the interior of the jail has been repainted. Since the average number of prisoners jailed at any one time is eight, the jail is more than three times the capacity needed to accommodate the average prisoner load.

Few people realize that jails are primarily for prisoners held for investigation, arraignment or trial, and have not been judged guilty of any crime. In 1972, more than three times as many prisoners were held pending trial (207) than were held fulfilling sentences (65). According to State Law, each County Jail must contain a sufficient number of rooms to confine persons detained for trial and persons already convicted of a crime and held under sentence "separately and distinctly" from each other.* In the Lewis and Clark County Jail it is not physically possible to separate those accused of crime and those who are guilty of a crime.

Perhaps even more important it is not possible to separate prisoners who are considered dangerous security risks from the other prisoners without locking all prisoners in their individual cells for maximum security. Because there is not individual plumbing in each cell, a full lock-up means that none of the prisoners can have access to the toilets, showers or main bullpen area of jail.



Until April of 1973, the Lewis and Clark County Jail had the original plumbing that was installed in 1891. Through a \$20,000. grant from the Federal government's Law Enforcement Administration new stainless steel toilets and showers have been installed, but this will not change the access arrangement within the cells. The design of the cell block and the solid concrete floors make it prohibitively expensive to fully modernize the jail's plumbing.

One of the most serious design problems in the Lewis and Clark County Jail is that with the exception of a few peepholes there is no visual control of the cell block area or of the juvenile and female quarters on the second floor. There is no intercom system between the cells and the jailer who sits at the front desk, and so the only way to communicate is to shout.

This same problem of segregation of various types of prisoners makes it all but impossible for the Sheriff to make use of the Sheriff's work release or the State Prison's work furlow programs. Under these programs the prisoners are allowed to work at paying jobs or go to school during the day and then return to the jail and the custody of the Sheriff in the evening. Again, because there is no way to keep these prisoners apart from the others, it is not possible to keep contraband (for example drugs) from being passed to the regular inmates unless the work release and furlow prisoners are stripped and searched before entering the cell block. This creates unreasonable hardship for both the prisoner and the jailer if it must be done on a regular basis.

In order to avoid this problem Lewis and Clark's only work furlow prisoner lives in the basement of jail. Although Sheriff Middlemas fully supports these rehabilitation programs and in fact was instrumental in the writing and passage of the Sheriff's Work Release Act and was the first Sheriff in Montana to use the Prison Work Furlow Program, the physical limitations of the present jail make it impossible to more fully utilize these programs.

For the same reason it is not possible to use trustees or low-security risk prisoners serving short term jail sentences for maintenance around the jail. Ideally prisoners should be issued jail clothing which would be washed by the trustees. In the Lewis and Clark County Jail prisoners wear their own clothing which they must wash themselves in the shower area or have friends or relatives bring them clean clothes which again must be carefully searched for contraband. The Lewis and Clark County Jail does have a washing machine which is used to wash the blankets and towels that are issued to the prisoners.

The cell block areas of jail were repainted in 1972 and this, combined with the new toilets and showers, has greatly improved the livability of jail, but it is still far from an adequate modern detention facility. When interviewed by the ICC, Sheriff Middlemas was asked what the major priority for the improvement of his department would be and he said "to be able to put my prisoners away without a feeling of personal dread." Although the Sheriff has said he will put up with his 82 year old facility, the second oldest jail in Montana, as long as the people of Lewis and Clark want him to, his statement clearly says how he feels about the Lewis and Clark County Jail.

A regular Deputy is on duty at all times to act as jailer, and is also responsible for the booking of new prisoners. In addition to keeping prisoners securely detained, it is also essential that unauthorized persons be kept out of the jail. The Sheriff's Office has no security arrangement for the entrance and the same entrance has to be used for both prisoners and the general public.

Lewis and Clark County has a part-time cook who uses the kitchen in the jail. County prisoners receive two meals a day for an average cost of \$.70 a meal. Juveniles receive three meals a day.

Of the 398 arrests made by the Lewis and Clark County Sheriff's Office in 1972, 192 or 48% were jailed and held for arraignment before the District or J.P. Court. But these prisoners represent less than half of the total prisoners held in the Lewis and Clark County Jail in 1972. The Sheriff accepts responsibility for any and all prisoners committed by an authorized law enforcement agency. Following is the breakdown of prisoners committed by the Department from January 1 to December 12, 1972.

	%	Total
Lewis and Clark County Sheriff	43 %	192
Helena Police Department	32 %	143
East Helena Police Department	2.7%	12
Montana Highway Patrol	9.9%	44
Division of Aftercare		
1st Jud. District Probation Dept.	2.9%	13
Department of Immigration	2.3%	10
Montana Fish and Game Department	.9%	4
Parole Officer	.7%	3
Other	5.6%	25
	<u>100 %</u>	<u>446</u>

The functions of the Lewis and Clark County Jail are primarily the same as the City's, but the distribution of prisoner load is somewhat different.

Percent

- 66% 1. To detain prisoners between the period of their arrest and their arraignment before the proper court of law or pending trial when the accused is not allowed or unable to arrange release on bail.
- 15% 2. To detain prisoners convicted of a crime and given a jail sentence to serve.
- 19% 3. To detain prisoners for other law enforcement agencies until they can be transferred elsewhere.

AUXILIARY AND TECHNICAL SERVICES

The efficient day to day operation of the Police and Sheriff's Departments are dependent upon a variety of support services called auxiliary or technical functions.

Recording Keeping System:

An efficient record keeping system is at the very heart of all police operations. The fundamental elements of the records system are the complaint, arrest and identification records.

Complaint Records - Consists of (1) the typed or written complaint by the dispatcher of an incident reported by a citizen either in person or by telephone, (2) the report of the officer who handled the complaint, (3) documentation of any follow-up investigation, (4) formal charge against an individual, and (5) court action and final disposition of the case.

Arrest and Identification Records - These records relate specifically to all persons arrested. The "booking" of a prisoner consists of the preparation of a

permanent arrest record containing both the formal complaint or charge against the person (i.e. when, where, why, by whom, and how the arrest was made), and a personal identification record (i.e. description, fingerprints, photograph).

The Helena Police Department and the Sheriff's Office each maintain entirely independent record keeping procedures. Because of the importance of these records, both departments are justifiably proud of the systems they have developed. As unbelievable as it may seem, according to Sheriff Middlemas, prior to the time he took office in 1953, the Lewis and Clark County Sheriff's Department kept no permanent arrest records whatsoever.

In addition to the complaint, arrest and identification records, the Sheriff, who also serves as Coroner, must also maintain all records pertinent to cases he investigates as Coroner.

Communications:

If the record system is the heart of the law enforcement agency, then the communication system with its telephone, teletype, radio and alarm system is its heart beat. In both the City and the County it is the dispatcher who is responsible for the operation of this complex communications network.

Telephone - Each department has its own telephone number, and incoming calls are answered by the dispatcher. In East Helena the City Clerk answers all Police Department telephone calls, and both East Helena officers have mobile telephones in their automobiles. For evenings and weekends, East Helena lists the Sheriff's Department telephone number as the number to call for police assistance. At both the Helena Police Department and the Sheriff's Office, all incoming and outgoing telephone calls are recorded on tape with the exact time indicated.

Teletype - Connects both the City and County with a nationwide communications network. This TBX system can both provide and request information on (1) wanted persons, (2) persons' criminal histories known as ID checks, (3) stolen vehicles or property. Departments with computerized records systems like the FBI can provide information almost instantaneously.

Radio Communication - The City and County both have new five channel radio networks that can monitor various frequencies simultaneously. The main function of the radio system is to keep the mobile auto units in contact with their departments. Like the telephone, all radio communications are recorded on tape. This system gives the department exact and definitive information on the time and sequence of events relating to each and every case from the time the complaint is first phoned in through the action taken by the patrolman or deputy who answers the call.

The East Helena Police Department has a single band old radio in the City Hall tied into the State frequency. At their own expense the East Helena Police Chief and the patrolman have installed multiband police radios in their cars.

Alarm System - The City of Helena has burglary, fire, and civil defense alarm board which is also monitored as a part of the communication area operated by the dispatcher on duty.

Crime Laboratory:

The value of a well staffed and suitably equipped laboratory is now generally recognized as an important aid to effective law enforcement. Small departments like ours do not have enough criminal investigatory work to warrant more than a rudimentary police laboratory. More complex analysis is made by better equipped and trained laboratories after the physical evidence has been properly handled, collected, marked and mailed. This same type of laboratory work is needed by the Coroner.

Again, both the City and the County maintain separate rudimentary crime labs.

SECTION III
CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS AND RECOMMENDATIONS

Because the Sheriff's and Police Departments serve the same functions in a number of areas, obviously there is duplication. The fact that each Department is a totally independent entity operating out of separate facilities necessitates a certain degree of duplication. It is the goal of each Department to be an effective, professional law enforcement agency capable of handling a broad range of duties and responsibilities without depending upon the assistance of any other law enforcement agency any more than is absolutely necessary. When it comes to internal operation of their Departments, the training and supervision of their officers, and the day to day performance of their duties, the three departments are entirely independent of one another.

This goal of internal independence is a worthwhile one when judging the quality of the performance of each Department separately.

Obviously the City and the County want their law enforcement agencies to be the best equipped, the most well trained, and the most efficiently operated departments that can be financially supported by our local tax effort. The ICC feels, however, that from the standpoint of effective areawide law enforcement, individual self-sufficiency may be self-defeating and the main cause of costly, unnecessary duplication of equipment and services. The ICC says this may be self-defeating because we admit that we are not qualified to judge the internal operations of the Departments, and there may be instances when duplication of equipment and services is not only necessary but actually beneficial. On the other hand, the ICC feels it may be possible that planned dependence rather than independence may improve the coordination of law enforcement in our area and at the same time reduce costs in the long run.

Both the Police Chief and the Sheriff have stressed the degree of cooperation that exists between their two Department. But the ICC has analyzed this situation and we feel that lack of direct conflict rather than actual cooperation would more accurately describe their relationship. Other than the recently created City-County Narcotics Investigation Team, which consists of one officer from each Department, there are no formalized long term cooperative efforts between the two Departments. Each Department is more than willing to help the other when requested to do so, but this situation would have to be considered the exception and not the rule.

Consolidation of law enforcement agencies has recently been touted as the cure-all to local law enforcement problems. Although it would have been easy for the ICC to jump on this popular bandwagon and recommend consolidation in Lewis and Clark County, we have found that there are so many variables to be considered that such a far reaching recommendation cannot be justified without further study, preferably at least in part by the law enforcement agencies themselves. There are several alternatives possible: (1) full consolidation under one administrative head, (2) separate departments in one joint facility, (3) division

by function - criminal, civil and detention, and (4) contracted services where the City contracts with the County to provide all law enforcement for a set fee.

All of these systems have been used successfully in other places, but even after you have selected the system you still must decide on the form of the administration - should it be elected or appointed, and should there be a Police Commission or Commissioners. The complexities are endless, and the ICC, even after nine months of study, feels that we are not prepared to make such a decision.

Furthermore, even though we have found that it is probable that consolidation of all or part of the facilities and functions of the Sheriff and Police Departments would improve the efficiency and effectiveness of law enforcement in our area, it is doubtful that such consolidation would reduce the cost of law enforcement. Again, this is contrary to popular opinion, but 90% of the annual budgets are for personnel, and since neither Department appears to be over-staffed consolidation may allow for the more efficient utilization of available manpower. Consolidation would probably not decrease manpower and consequently could not reduce the cost of law enforcement. In the long run, however, there would be a substantial economic savings by reducing the duplication of costly equipment and facilities.

Although the ICC did not come to any definite conclusions on consolidation, there are nonetheless certain immediate revisions that can be made in the operation of the three law enforcement agencies in our area to improve service and coordination.

AUXILIARY AND TECHNICAL FUNCTIONS

It is in this area of auxiliary functions that the ICC can see the greatest potential for effective consolidation.

Booking of Prisoners:

Because all prisoners arrested by the City Police are first routinely booked by the City, prisoners who are then transferred to the County for arraignment and incarceration are then booked again by the Sheriff's Department.

This situation exists because both Departments maintain separate record systems. Obviously each Department must maintain their own complaint files, but there is no justification for duplicating the identification, mugging, and fingerprinting of prisoners.

Since 34% of all of the County's prisoners are transferred there by the City of Helena, this means that a minimum of 34% of the permanent arrest records of the Sheriff's Department are duplicated at the City. Though the same prisoner could be arrested by the County on another charge and the City would have no record of this complaint, or the reverse situation could be true. Which means that even with the duplicate records, no one Department can be sure he has a complete arrest record for any given offender. When requests for ID checks come in on the teletype, both Departments must check their files creating a further duplication of time and effort. The East Helena Police Department already books their

prisoners directly into the Lewis and Clark County Jail.

Certainly in terms of man hours spent on booking and the cost of duplicate cameras, photo development, fingerprints, files and paper work, consolidation of booking would mean a long run financial savings as well as creating a more efficient and complete records system. On the other hand, the full integration of the two file systems would be a monumental task requiring both additional help and a major revision in the internal operating procedure of both Departments. Since each system is a little different, compromises would undoubtedly have to be made to design a system that would meet the retrieval needs of both Departments. Through the years a tremendous amount of work has gone into the development of the individual systems, and the ICC realizes that it would be a unprecedented departure from past practices to have a major portion of City records removed from their control. But again, the ICC is convinced that well planned and coordinated dependence will better serve effective law enforcement than total independence. Therefore, it is the recommendation of the ICC:

THAT all prisoners, regardless of who makes the arrest, be booked only once directly into the Lewis and Clark Jail.

THAT all the permanent arrest records of the Helena Police Department be transferred to the Lewis and Clark County Jail and integrated into one on-going arrest record system.

Communications:

Since we have termed the communication system of the law enforcement agency as its "heart beat" we can foresee of no more effective way of instituting true cooperation and coordination than by combining all dispatching operations into one system. Although either Department with their new \$20,000.00 five band radio systems are equally well equipped to handle the radio dispatch, the ICC feels the Helena Police Department could best handle this task because:

1. They have four full-time dispatchers whose job it is to just handle dispatch whereas the Sheriff's Deputy is also the jailer and office manager.
2. The Helena Police Department has an excellent record typed for each call and officer follow-up. This could be an invaluable aid to the Sheriff's Department as well.
3. The alarm and civil defense network is connected at the City and is an indispensable part of the dispatch operation.

Although both the Sheriff and the Police Chief have indicated their willingness to try a joint dispatch operation, they have both expressed their doubts concerning the ability of one dispatcher to handle the requirements of both Departments. According to the Police Chief, the Helena Police Department handles more than 13,000 calls a year, and the Sheriff pointed out that each year since 1969 their calls have more than doubled.

An efficient communications system must enable law enforcement officers to give immediate attention to each call even at times of peak loads. The effectiveness

of a department suffers if either attempts to telephone the police or Sheriff are answered by a busy signal, or the dispatcher is so harassed by her simultaneous duties that she cannot give proper attention to each one.

The ICC's investigations have shown that law enforcement agencies and private companies much larger than the combined forces of the City and County have been handled by one dispatcher. But even if it should be necessary to have more than one, the ICC feels the dispatch should be handled by one department in order to develop this greater cooperation and coordination. Additional help could be handled in any of several ways.

1. Dual Dispatch - Two dispatchers operating simultaneously during peak hours with one accepting phone calls while the other broadcasts information. The second dispatcher may work an overlapping shift selected on the basis of peak load. The Sheriff's one dispatcher could perhaps be transferred to the Helena Police Department for this purpose.
2. Separate Administrative and Emergency Phones - The dispatcher would only take calls for assistance. Administrative calls would go directly to the offices.
3. Fire Department Telephone Answer - When other lines are busy, thus providing help for the dispatcher during peak load periods.
4. ID Checks All At The County - Although dual teletype systems would still be needed for other purposes, ID checks which comprise a major part of the teletype use could all go directly to the County Sheriff's Office where all the arrest records would be kept.

Therefore, it is the recommendation of the ICC:

THAT the County contract with the City of Helena to handle all dispatch operations for the Lewis and Clark County Sheriff and that the City of East Helena consider a similar contract.

Crime Laboratory:

Again, this appears to be an area where duplication is unnecessary. One lab could effectively handle the work for both and perhaps, since duplication of equipment would no longer be necessary, more sophisticated equipment could be purchased when necessary. The ICC has no opinion as to which Department would be better prepared to handle the combined lab, but it is the recommendation of the ICC:

THAT the crime-photo laboratories of both the Helena Police Department and the Sheriff's Office be combined into one facility.

FACILITIES NEEDS

Jail Facilities:

Both Departments operate fully equipped jails, but their rate of occupancy is only a third of capacity. Furthermore, City prisoners who must be arraigned

before the District Court are automatically transferred to the County Jail after being booked by the police and staying overnight in the City Jail. Prisoners committed to the County Jail by the City of Helena Police were 32% of the total prisoners held by the County in 1972. East Helena committed 2.7% of all the prisoners held by the County in 1972.

Duplicate jails operating at only partial capacity means duplicate maintenance, repairs, improvements (i.e. plumbing for both jails) and feeding programs.

Office Space:

According to Helena Police Chief Jack Williams, the single most important need in his Department is for additional office space for law enforcement personnel. The Sheriff's problem is one of poorly designed space, but unlike the Police Department the Sheriff does potentially have room in which to expand upstairs in the old Sheriff's personal living quarters which have not been used since 1956.

Although it would have been easy to jump to the conclusion that a new joint facility was the only solution, much to the consternation of the Sheriff and the Police Chief, the Committee first carefully reviewed every possible alternative to utilize the existing facilities. Because the City Police Department is in the City Hall, further expansion here would have required moving the other City offices somewhere else, and this does not seem feasible at the present time, and the long range reuse of the building calls for a civic cultural center complex which, even if space were available (and this seemed questionable), the security requirements of a public safety building are not easily compatible with a public recreationally oriented building.

Next the ICC investigated reusing the County Jail by utilizing the Sheriff's quarters for office space and adding an addition to the north side of the building. The Committee even went so far as to prepare rough preliminary floor plans of the building. The cost of the project for office space only, making no revisions whatsoever in the detention facilities, was conservatively estimated at a quarter of a million dollars. One of the main problems with any major remodeling effort is that the building code requires that if the work to be done is estimated to be one quarter the value of the existing structure, the entire building must be brought up to present day code standards. This would have meant that a sprinkler system, additional fire exits, etc. would have to be included. Since it is not possible to modernize the detention facility, such a remodeling project could not be justified and even with a proposed addition to the jail, overcrowding with no room for expansion would have continued to be a major problem.

Short Term Solutions:

Although neither jail meets the requirements of a modern detention facility on balance, the County Jail is the better facility because it is large enough to handle both the City and the County's jail requirements.

Average Daily Inmate Population

	Total	Adult Male	Adult Female	Juv. Male	Juv. Female
City	3.7	3	.7	0	0
County	8	6	2	3	2
Combined	11.7	9	2.7	3	2
L & C County Capacity	38	30	4	4	

The City of Helena could contract with the County to hold those prisoners usually detained in the City for the violation of City ordinances and arraigned before the Police Judge. A combined jail facility would not be unique; there are thirty-one such combined facilities in Montana.

In order to adequately handle the additional load of the City's prisoners and to improve the County Jail to meet part of the requirements of a modern detention facility, certain remodeling should be done to the existing jail including:

1. Storage area for prisoner's effects.
2. Private visitor and lawyer consultation area (probably utilizing the present brand inspector's office behind the main counter).
3. Construction of minimum security detention area for trustee and work furlow prisoners (probably utilizing a portion of the Sheriff's old quarters upstairs).

Other additions possible in the existing jail that would improve the usability of the facility are:

1. Laundry room in the trustees area for cleaning of jail issue clothing, towels, etc.
2. Security control entry system for front door.
3. Intercom to jail area from main desk.

Office space revisions that would be essential to accommodate the additional files from the City Police Department would include:

1. Utilization of the Sheriff's quarters for office space.
2. Reuse of existing office space as files and records center.
3. Relocation of the teletype to the close proximity to the records for more efficient retrieval of information.

Long Term Solutions:

It does not take a nine month study by a citizen's group to tell the Police Chief and the Sheriff that what they really need is a new facility. Traditionally local governments build a jail on the average of once every half century. In Lewis and

Clark County we are long overdue. A new combined City-County public safety building does not necessarily mean a new building.

A further consideration that could substantially influence the requirements of a new facility are the discussions concerning the possible use of regional jails. No decision should be made at this time that would preclude the regional approach in the future.

Therefore, the ICC recommends:

THAT immediate steps be taken to provide minimal remodeling in the County Jail to accommodate the additional prisoner load and arrest records.

THAT the Helena Police Department's bullpen portion of the jail be torn down and remodeled for use as office space.

THAT before any expenditures are made for short term facility revisions, the City and County decide whether or not they intend to proceed in the near future with a new joint facility.

THAT if the City and County do decide to proceed with plans for a new facility, no expenditures on remodeling be made, but the recommendations for combined functions be carried out in the existing facilities as they are now.

There are several existing buildings that are now available or will be soon that could potentially be remodeled as a combined City-County Public Safety Building. Before spending any more money on improvements to either of the existing jails, the City and the County should decide when they plan to provide a new facility for either or both.

The move will have to be made - it is only a question of when. The ICC feels that a new facility is unquestionably necessary, but the need for a new jail must be weighed against the other types of facility needs in the City and the County. The ICC is concerned that by not taking positive action now, the City and County could miss out on the opportunity to make use of an existing building that has real potential for reuse as a modern public safety building. On the other hand, since the ICC has not evaluated the other facility needs of the City and County, we do not feel that we can arbitrarily recommend that a new public safety building be immediately given first priority.

OTHER AREAS REQUIRING FURTHER STUDY

Salaries:

The differential that exists in the amount of salaries and the method of determining raises in the two Departments makes further cooperation or consolidation exceedingly difficult. Efforts should be made to recognize the differences in the two systems by introducing appropriate legislation to revise the two State Laws.

Training:

Since all three Departments send their men to the Law Enforcement Training Academy in Bozeman, coordination of attendance at these schools could possibly allow some officers to receive more advanced training in specific areas and then serve all Departments (i.e. criminal investigation and evidence analyses).

Equipment Purchase:

The availability of Federal funds has accentuated the duplication of equipment expenditures. New plumbing for a combined cost of more than \$30,000., new radios for a combined cost of \$25,000. are the best examples. In the future budget allocations for equipment, whether it be with Federal or local tax monies, should be carefully coordinated to see if joint purchase and use might be feasible.

Personnel:

The practice of having the Sheriff and the Deputies do all their own typing and filing is an inefficient use of valuable man power. Secretarial help should be provided.

The practice of using a Sheriff's Deputy for night duty within the City of East Helena should be carefully reassessed. The ICC has found no other area where the Sheriff regularly patrolled in an incorporated city that had its own police department. This does not mean that the practice should be eliminated, but rather that a formal contract for this service should be developed between the County Sheriff and the City of East Helena.

Therefore, the ICC recommends:

THAT the differences in the State Law for salaries for police departments and sheriff's offices be reconciled.

THAT further consideration be given to coordinated training and assignment of officers.

THAT future budget allocations by either department for equipment purchases, whether with Federal or local tax monies, be coordinated to see if joint purchase and use might be feasible.

THAT the Sheriff's Department be provided with secretarial help.

THAT the practice of using a Sheriff's Deputy for patrol within the City limits of East Helena be carefully reconsidered.

A FINAL COMMENT

The ICC believes that the implementation of the recommendations contained in this report will be a valuable first step in improving law enforcement in our area. As a citizen's group admittedly untrained in the areas we have studied, the ICC has made a conscientious effort to avoid offering simple solutions to complex problems on the basis of only a rudimentary knowledge of the subject.

This is particularly true in the field of law enforcement where we found the more we studied the more infinite the possibilities for further exploration. That is why we chose to begin with short term recommendations that could be implemented immediately without any major revisions in the internal structures of the Sheriff and Police Departments. We do not consider these recommendations an end in and of themselves, but they can serve as stepping stones to more extensive cooperation or consolidation of law enforcement in our area.

Remember that the ICC can only recommend - implementation will only be possible if the local governments involved choose to accept our recommendations. We sincerely hope that they will do so.

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120 S. Last Chance Gulch
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